IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Civil Writ Petition No. 6068 of 2006

Date of decision: 11.9.2007.

Jagdish Kumar ... Petitioner

Versus

Presiding Offocer, Labour Court, Jalandhar
and another ... Respondents

...

Present: Mr. Vikas Goyal, Advocate
for the petitioner.

...

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE AJAI LAMBA

...

ADARSH KUMAR GOEL, J

This petition seeks quashing of Award dated 9.11.2004, Annexure P-10 passed by the Labour Court rejecting the claim of the workman against termination of his services.

The claim of the workman was that he joined service as a Store Keeper on 29.10.1979 and worked upto 19.1.1994 when his services were terminated without retrenchment compensation under Section 25-F of the Industrial Disputes Act, 1947.

The management contested the claim by submitting that the workman had initially joined service on 10.11.1980 but he left after receiving full and final payment. He again joined on 1.5.1989 and worked upto 17.1.1994. He left service after receiving an amount in full and final settlement of his claim.

The Labour Court recorded a finding that the workman had received full and final settlement vide document, Exhibit M-5 on 6.4.1989 and thereafter

vide document, Exhibit M-6 dated 18.1.1994. He had executed Receipt, Exhibit M-7. The said documents were proved by MW-2 Arun Kumar on behalf of the management.

The Labour Court observed as under :-

> " However, the payment of wages register shows that the workman signed as 'Jagdish' at several places on revenue stamp but a close look at various entries in original payment of wages register shows that signatures of the workman on voucher, Ex. M-6 and receipt, Ex.M-7 tally with his signatures on the payment of wages register which have been admitted by him. His signatures on Ex. M-5 regarding full and final settlement on dated 6.4.1989 also tally with his signatures. "

Accordingly, it was held that the workman was not entitled to any payment.

We have heard learned counsel for the petitioner and perused the record.

The finding of the Labour Court is a pure finding of fact and is not shown to be perverse. No ground is made out to interfere under Article 226 of the Constitution of India.

Dismissed.

(Adarsh Kumar Goel)
Judge

(Ajai Lamba)
Judge

11.9.2007
RS